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INTELLECTUAL PROPERTY LAW

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**FACSIMILE TRANSMITTAL SHEET**

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<b>To:</b>	<b>FROM:</b>
<b>Office of Initial Patent Examination -</b>	<b>Byron S. Kuzara</b>
<b>Missing Parts</b>	
<b>COMPANY:</b>	<b>DATE:</b>
USPTO	July 26, 2004
<b>FAX NUMBER:</b>	<b>TOTAL NO. OF PAGES:</b>
703-746-4060	9
<b>Re:</b>	<b>OUR REFERENCE NO.:</b>
App. No. 10/791,289	005127.00260
<i>If you do not receive all page(s) or have any problems receiving this transmission, please call:</i>	
<b>NAME:</b>	<b>PHONE:</b>
Lesa Wolman	503-425-6800

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**COMMENTS:**



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PTO/SB/07 (05-03)  
Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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### Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on 7/26/04.  
Date

A handwritten signature of "Byron S. Kuzara" over a horizontal line.

Signature

Byron S. Kuzara, #51,255

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fee Sheet (1 page)

Submission of Missing Parts of Nonprovisional Application (2 pages)

Declaration (2 pages)

Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages)

Serial No. 10/791,289

Attorney Docket No. 005127.00260

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0551-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 2090)

Complete If Known	
Application Number	10/791,289
Filing Date	3/3/04
First Named Inventor	Bhupesh Dub, et al.
Examiner Name	TBD
Art Unit	3728
Attorney Docket No.	005127.00260

### METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money  Other  None  
Order

Deposit Account:

Deposit  
Account  
Number

19-0733

Deposit  
Account  
Name

Banner &amp; Witcoff, LTD.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 365	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 365	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 770)</b>

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20 **	=	47	X	18	=	845	Extra Claims	Fee from below	Fee Paid
Independent Claims	7	-3 **	=	4	X	56	=	344		
Multiple Dependent	0				X	200	=	0		

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 66	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 66	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>			<b>(\$ 1190)</b>

\*\* or number previously paid, if greater. For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
		1051	2051	Surcharge - late filing fee or oath	130
		1062	2052	Surcharge - late provisional filing fee or cover sheet	
		1063	1053	Non-English specification	
		1812	1812	For filing a request for reexamination	2,520
		1804	920*	Requesting publication of SIR prior to Examiner action	920*
		1805	1,840*	Requesting publication of SIR after Examiner action	1,840*
		1251	2251	Extension for reply within first month	55
		1252	2252	Extension for reply within second month	210
		1253	2253	Extension for reply within third month	475
		1264	2254	Extension for reply within fourth month	740
		1255	2255	Extension for reply within fifth month	1,005
		1401	2401	Notice of Appeal	165
		1402	2402	Filing a brief in support of an appeal	165
		1403	2403	Request for oral hearing	145
		1451	1451	Petition to institute a public use proceeding	1,510
		1452	2452	Petition to revive – unavoidable	55
		1453	2453	Petition to revive – unintentional	665
		1501	2501	Utility issue fee (or reissue)	565
		1502	2502	Design issue fee	240
		1503	2503	Plant issue fee	320
		1480	1460	Petitions to the Commissioner	130
		1807	1807	Processing fee under 37 CFR 1.17 (d)	50
		1806	1806	Submission of Information Disclosure Stmt	180
		8021	8021	Recording each patent assignment per property (times number of properties)	40
		1809	2808	Filing a submission after final rejection (37 CFR § 1.129(a))	385
		1810	2810	For each additional invention to be examined (37 CFR § 1.129(b))	385
		1801	2801	Request for Continued Examination (RCE)	385
		1802	1802	Request for expedited examination of a design application	900
Other fee (specify) _____					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 130)**

Complete (if applicable)					
Name (Print/Type)	Byron S. Kuzara	Registration No. (Attorney/Agent)	51,255	Telephone	503-425-6800
Signature				Date	7/26/04

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.

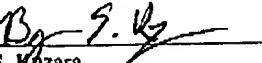
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comment on the amount of time you require to complete this form under suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Certificate Of Transmission**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 746-4060 on July 26, 2004.

Respectfully submitted,

By:   
 Byron S. Kazarra  
 Registration Number 51,255  
 Banner & Witcoff, Ltd.



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of:	)	Att.: Box Missing Parts
	)	
Bhupesh D'UA, et al.	)	Group Art Unit: 3728
	)	
Serial No. 10/791,289	)	Examiner: TBD
	)	
Filed: March 3, 2004	)	Docket No. 005127.00260
	)	
For: AN ARTICLE OF FOOTWEAR HAVING	)	
A TEXTILE UPPER	)	

**SUBMISSION OF MISSING PARTS OF NONPROVISIONAL APPLICATION**

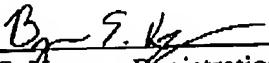
Commissioner for Patents  
 Alexandria, VA 22313

Sir:

Pursuant to the Notice to File Missing Parts of Application dated May 25, 2004, Applicants hereby submit their executed Declaration in the above Application. The Commissioner is hereby authorized to charge deposit account 19-0733 for a total of \$2,090.00, which includes the basic filing fee of \$770.00, \$846.00 for 47 claims over 20, \$344.00 for 4 independent claims over 3, and the \$130.00 surcharge as set forth in 37 C.F.R. §1.16(e). Should any additional fees be necessary, the Commissioner is authorized to charge the cost of the additional fees to deposit account 19-0733.

The submission of these missing parts is timely filed by virtue of their filing by facsimile on July 26, 2004. However, should any additional extension or fee be required for the filing of these papers, such extension is requested and the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 19-0733.

Respectfully submitted,

By:   
Byron S. Kuzara, Registration No. 51,255

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Telephone: 503-425-6800

Dated: July 26, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/791,289	03/03/2004	Bhupesh Dua	005127.00260

RECEIVED

22909  
BANNER & WITCOFF, LTD.  
1001 G STREET, N.W.  
WASHINGTON, DC 20001-4597

MAY 27 2004

BANNER &amp; WITCOFF

CONFIRMATION NO. 8919

FORMALITIES LETTER



"OC000000012763724"

Date Mailed: 05/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1190 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

10791289

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$2090 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

07/27/2004 JBALINAN 00000093 190733

01 FC:1001	770.00	DA
02 FC:1201	344.00	DA
03 FC:1202	846.00	DA
04 FC:1051	130.00	DA

01 FC:1001

02 FC:1201

03 FC:1202

04 FC:1051

- Total additional claim fee(s) for this application is \$1190

- \$344 for 4 independent claims over 3.
- \$846 for 47 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

*M. T. Sayre*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY